

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, August 31, 1999
Tuesday, 11:47 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Minutes -approved

The minutes of the regular meeting of August 24, 1999 were approved 7 to 0.

CONSENT AGENDA

Motion –
-- carried

Knight moved that the Consent Agenda, except Item 7a, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS**REPORT OF BOARD OF BIDS AND CONTRACTS DATED AUGUST 30, 1999.**

Bids were opened August 27, 1999, pursuant to advertisements published on:

Water distribution system to serve Evergreen Addition, Phase 2 - north of 21st, west of Maize. (448-89409/734933/470603) Does not affect existing traffic. City Council approval date: 8/10/99. (District V)

H D Mills & Sons - \$43,295

Lateral 436, Southwest Interceptor Sewer to serve Evergreen Addition, Phase 2 - north of 21st, west of Maize. (468-83013/743805/480493) Does not affect existing traffic. City Council approval date: 8/10/99. (District V)

Dondlinger & Sons - \$113,965

Traffic signal to serve the intersection of Anna and Maple, Towne West Square Second and Jenkins Fourth Additions. (472-83130/710214/410076) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 7/13/99. (District IV)

Phillips Southern Electric - \$87,720 (Negotiated to engineer's estimate)

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

PARK DEPARTMENT/GOLF COURSE MAINTENANCE DIVISION: Grass Seed. (170282)

Gard'n-Wise - \$10,965 (Total/Group I)

Royal Seed - \$27,750 (Total/Group II)
\$ 4,125 (Total/Group III)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

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STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 99-855.

In accordance with the Special Events Procedures, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted:

1) East - West Walk/Run

Street Closure: First Street (from Emporia to Rock Island Streets); Rock Island (from First Street to Second Street); Second Street (from Rock Island to St. Francis Streets); and, St. Francis (to Third Street); Third Street (to Emporia); and Emporia from Third Street to Douglas closed from 5:30 p.m. – 8:00 p.m. on Sunday, September 5, 1999.

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

Knight moved that the request be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 7 to 0.

-- carried

PLANS AND SPECS.

SUBDIVISION PLANS AND SPECIFICATIONS:

- a. Storm Water Drain 144 to serve Ridge Port North Addition and unplatted tract - south of 37th, east of Ridge. (468-82988/751278/485169) Does not affect existing traffic. City Council approval date: 5/25/99. (District V)
- b. 33rd Street South from Gordon to Meridian to serve YMCA South Addition - west of Meridian, north of I-235. (472-82952/765297/490631) Traffic to be maintained using barricades and flag persons. City Council approval date: 6/23/98. (District IV)

Motion --

-- carried

Knight moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., September 10, 1999. Motion carried 7 to 0.

MCLEAN MANOR

LEASE AGREEMENT FOR ANTENNA USE - MCLEAN MANOR. (District VI)

Agenda Report No. 99-873.

On July 20, 1999, the City Council approved a resolution declaring six-month moratorium on the construction of most new cellular towers and antennas. The purpose of the moratorium is to allow the City to hire professional assistance to help it develop a comprehensive plan for cellular tower development. The resolution provides certain exceptions to the moratorium. One such exception is that antennas can be placed on existing, non-tower structures pursuant to certain conditions.

Prior to the moratorium, several cellular service providers were in negotiations with City staff to secure antenna sites on the roof of McLean Manor, an eight-story residential structure located at 9th Street and McLean that is operated by the Wichita Housing Authority. The nature of the equipment to be used and the type of structure comply with moratorium requirements. A standard lease form has been developed to facilitate negotiations with the service providers.

The form lease agreement provides for a 5 year term at a monthly rental to be determined. The lessee is given the options for 5 additional five year terms, subject to renegotiations of rental and conditions. The lessee is required to assure protection of the roof and minimize disturbance of the tenants. Construction and operation must be in

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accordance with the conditions in the lease and plans approved by the City. Cooperation and coordination is required among multiple tenants.

The proposed lease will require monthly lease payments from the service providers. In addition, they will be responsible for any impact or damage their installation causes to the building.

Motion --
-- carried

Knight moved that the lease form be approved; staff be authorized to negotiate leases with interested tenants; and the necessary signatures be authorized. Motion carried 7 to 0.

ARTERIAL CORRIDOR DESIGN CONTRACT - ARTERIAL CORRIDOR PROGRAM. (Districts I & II)

Agenda Report No. 99-874

On May 19, 1998, the City Council authorized the Staff Screening and Selection Committee to select design engineers for the 1998 Arterial Corridor Program. On November 18, 1998, the Staff Screening and Selection Committee selected consulting firms to perform the design engineering for the CIP projects, associated petitioned projects, and incidental water and sewer lines.

The firm of HWS Consulting Group, Inc. was selected to design improvements to Rock Road from 21st to K-96 (MS-208001). The Contract fee is \$179,801.60. An Agreement for the design services has been prepared.

The funding source is General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement/Project be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SERVICES CONTRACT PROFESSIONAL SERVICES CONTRACT.

Agenda Report No. 99-875.

One of the major goals of the 2000-2001 budget is to sustain the continued development of the City along with a commitment to improving municipal operations and services. Various areas are being studied for ways to reduce costs, provide convenient access and improve service delivery.

With reduced staffing levels, it is proposed to retain professional assistance to work with City staff to evaluate technology options, address work-related problems, review alternative delivery systems, implement quality management techniques, and initiate transformation reviews. It is proposed to extend the contract with Management Partners, Inc. (now performing work in Municipal Court) to assist in some of the work areas under review in the Airport, Municipal Court, Public Works, and Neighborhood Services.

The estimated cost for professional assistance to perform assigned tasks will be based on hourly fees, but not to exceed \$55,000. This amount is available in the current 1999-2000 budget.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES SUPPLEMENTAL AGREEMENT FOR DESIGN SERVICES - MURDOCK FROM WACO TO WABASH. (District VI)

Agenda Report No. 99-876.

On June 12, 1990, the City Council entered into an Agreement with Baughman Company, P.A. for the design of paving improvements for Murdock from Waco to Wabash, and an 8" water line in Murdock from Broadway to Wabash. Payment to Baughman totaled \$111,100; \$96,700 for the paving improvements and \$14,400 for the water line design.

On February 4, 1997, the City Council approved construction of the project. Final plan revisions were required for pavement width changes including revisions to the storm sewers, railroad crossings, sidewalks, resurveying for new construction (initial plans completed), and generally updating the plans to current status with new bid quantities.

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On June 3, 1997, the City Council entered into a second Agreement with Baughman for the plan revisions. The fee was \$67,400.

On April 14, 1998, the City Council approved Supplemental Agreement No. 1 for Baughman Company to redesign the plans because of conflicts with water lines. The fee was \$5,900.

Baughman has been asked to modify the plans to reflect the upcoming removal of the railroad tracks through the intersection of Murdock and Wichita. The work includes designing a large storm sewer extension under the track area to connect to previous improvements on both sides of the tracks as well as designing permanent pavement within the intersection. Supplemental Agreement No. 2 with Baughman has been prepared.

Payment to Baughman for this Supplemental Agreement will be made on a lump sum basis of \$15,880 from funds available in the project budget.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

MULTIMEDIA CABLE

ASSIGNMENT OF MULTIMEDIA CABLE TELEVISION FRANCHISE - RESOLUTION.

Agenda Report No. 99-877.

Multimedia Cablevision, Inc., was granted a 15-year franchise in 1990 for cable television service. The franchise was amended in February, 1994, for a new 15 year term, to broaden the scope of the franchise to include a broadband telecommunication network, (which includes the fiber optic infrastructure that Multimedia has been installing). The franchise gives the City the right to conduct a review of the franchise terms every 5 years. The City gave notice to Multimedia in May of this year of that review, which is currently underway between City staff and Multimedia. The City has issued an RFP for professional assistance in that project.

Multimedia has entered into an agreement to transfer its cable systems, including Wichita's franchise, to CoxCom, Inc., a wholly owned subsidiary of Cox Communications, Inc. Multimedia gave the City notice of this transaction on August 13, 1999, with an expected transfer date of November 30, 1999. The franchise requires City consent to the franchise transfer. Other cities with similar franchises are currently considering such consents.

Multimedia has submitted FCC Form 394, "Application for Franchise Authority Consent to Assignment or Transfer of Control of Cable Television Franchise," as required by Federal law. Under the Franchise, CoxCom must meet several obligations:

1. Show that it has the financial responsibility to provide adequate cable service and meet the obligations of the franchise.
2. Agree to comply with all of the provisions of the franchise.
3. Provide complete information concerning its financial and operational qualifications.
4. Agree to compensate the City for its costs in evaluating the merits of the transfer and qualifications of CoxCom (Multimedia is responsible for these costs).
5. File in its own name the \$2,000,000 liability insurance policy required under the franchise.
6. File in its own name a \$100,000 corporate security bond to assure faithful performance of the franchise obligations.
7. File an executed copy of the transfer document with the City Clerk.

Cox has provided the Form 394 with exhibits that include the most recent Annual Report and SEC filing of its parent company (Cox Communications), and portions of the Asset Purchase Agreement of July 22, 1999.

Upon preliminary review, Staff has raised the following questions or concerns about the transfer and City approval:

1. CoxCom specifically excludes any responsibility for the liabilities of Multimedia in its purchase and is asking the City to confirm material compliance and no breach of the franchise. Because it has been several years since the last franchise audit, the City may not be able to assess any delinquencies or underpayments for franchise fees or permits (e.g., payment and dirt cuts) which have not been assessed on the effective date. The City should either require CoxCom to assume such potential liability or have assurance of Multimedia's continued ability and willingness to be responsible for such upon audit.

2. Because the entire Asset Agreement was not provided, the City is not certain of the representations of scope of the transfer of the Wichita franchise or any other agreements.

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3. While Cox Communications is known to be an experienced company, there is not sufficient information provided within the transfer documents to determine the experience or ability of CoxCom to meet the "operational qualifications" requirement.

4. While the City has no regulatory role in setting rates under the current franchise, CoxCom has made no representation as to its intentions for a rate structure or service for Wichita customers. That is, there was no information as to the impacts of the sale to the local Wichita consumers, if any.

CoxCom has agreed to assume the obligations of the franchise, except as noted above. It will be required to file the necessary documents and bonds prior to the effective date of the transfer.

The transfer will not affect the compensation under the franchise. Multimedia will be required to reimburse the City for the City's costs in reviewing the transfer, including the cost of the ordinance publication.

Under Federal law, a franchise authority (City) has 120 days to act upon the request for approval of a sale or transfer of a cable franchise. The cable company is required by the franchise to give the City 90 days notice of the proposed transfer. The City may approve the transfer when it has received the necessary assurances. Approval must be accomplished by ordinance, which has been approved as to form by the Law Department.

Motion --
-- carried

Knight moved that the Ordinance be placed on first reading; and that, prior to second or final reading, the Company be asked to provide information as to any issues and concerns. Motion carried 7 to 0.

ORDINANCE

An Ordinance of the City of Wichita consenting to the assignment of the Broadband Telecommunications Network Franchise of Multimedia Cablevision, Inc., to Coxcom, Inc., introduced and under the rules laid over.

LAWRENCE-DUMONT LAWRENCE-DUMONT STADIUM - VARIOUS REPAIRS AND MODIFICATIONS. (District IV)

Agenda Report No. 99-878.

Numerous improvements have been completed at Lawrence-Dumont Stadium in the past few years. These include new topping on the grandstands, new box seats, a wheelchair lift and other ADA modifications, restoration of the lighting towers, painting and other repairs. The 2000 Capital Improvement Program (CIP) has an additional \$500,000; and the 2001 CIP has \$455,000 budgeted for additional repairs and modifications. The work includes replacement of the synthetic infield, replacement of the warning tracks, and parking lot repairs.

The work needs to begin in the Fall of 1999 to have it completed in time for the 2000 opening date as well as bring the complex up to current standards.

The 2000 and 2001 CIP (PB-9225) has a combined total of \$955,000 budgeted for the repairs and modifications. The CIP budgeted amount of \$752,000 through 1999 brings the combined project budget through 2001 to \$1,707,000. Upon approval of the project by Council, Staff will advertise for proposals, and seek Council approval to award Contracts to get the work started promptly. Payments to the Contractors will be made after January 1, 2000 and January, 2001.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-336

A Resolution amending Resolution No. R-98-147 for repair and renovation at Lawrence-Dumont Stadium by increasing the bonding authority in Section 4 thereof from \$752,000 to \$1,707,000, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

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(Item No. 7a)

PROPERTY ACQ.

ACQUISITION OF LAND TO BUFFER SEWAGE TREATMENT PLANT NUMBER TWO. (District III)

Agenda Report No. 99-879.

Wichita Water and Sewer Department requested Property Management consider the acquisition of properties as mandated by KDHE, USEPA, and the EPA's ST-106 (Sludge Management Plan) to continue to meet plans as identified in the adopted 1993 Sewer Master Plan. The plan requires additional land for buffer sites and sludge drying beds for Sewage Treatment Plant #2 located at 5800 South Hydraulic. The proposed site is located approximately 1,200 feet to the northwest of the sewage treatment facility. It contains approximately 9.51 acres, (414,128 sq. ft.), zoned for commercial/industrial uses and is currently unimproved platted land.

The City of Wichita Water and Sewer Department need additional land for possible future expansion of the sewage treatment facility and as a buffer to decrease available vacant land that can be developed for residential or commercial use within the immediate area of Sewage Treatment Plant #2. The subject tract has been identified as one that meets these needs. The property was appraised at \$136,000.00 and current market activity supports this amount. The owner has agreed to sell for a negotiated price of \$110,000.00 (\$11,567.00 per acre).

The budget of \$111,000 includes \$110,000 for acquisition and \$1,000 for closing costs and title work. Funds have been budgeted in the 1999-2000 CIP #S-511 under Sewage Treatment Plant #2 Land Buffer. The project will be funded by the sewer utility.

Chris Cherches

City Manager, responding to a question, explained that the City Council had previously discussed opportunity purchases of land around sewage treatment plants to be used for additional buffering and, in some instances, for major future modifications.

Rob Younkin

Water and Sewer Civil Engineer said this purchase is for buffering and there are no current plans to expand the plant. The purchase will not be for sludge drying pads adjacent to the street.

Motion --

-- carried

Lambke moved that the budget, Contract and notice of intent to publish be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-99-337

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend, and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$111,000, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Lambke moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

PROPERTY ACQ.

ACQUISITION OF PORTION OF 5318 WEST CENTRAL FOR THE CENTRAL AVENUE IMPROVEMENT PROJECT, WEST STREET TO I-235. (District IV)

Agenda Report No. 99-880.

The Central Avenue Improvement Project from West Street to I-235 as approved by the City Council on October 13, 1996, requires the partial acquisition of twelve tracts along Central Avenue. These tracts include the partial acquisition of the property at 5318 West Central owned by Mr. & Mrs. Bob Lewis. The property is more accurately described in the attached tract map and legal description.

The tract contains approximately 2,767.6 square feet and will not affect any improvement on the remaining property. Review of land values in the area indicate a value of approximately \$2.50 per square foot or \$7,000. The property owner has agreed to sell the property to the City for this amount. A temporary construction easement is also required of the project. The owner has agreed to grant the easement for \$2,000.

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The budget of \$9,500.00 includes \$7,000 for the acquisition, \$2,000 and for the temporary construction easement and \$500 for closing costs. The total expenditures to date, including this acquisition, is \$68,750.00. This is the last acquisition for the project.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF PORTION OF 11910 KENT FOR THE MAPLE STREET PAVING PROJECT, MAIZE ROAD TO 119TH STREET WEST. (District V)

Agenda Report No. 99-881.

The Maple Street Paving Improvement Project from Maize Road west to 119th Street West was approved by Council on May 4, 1999, and requires the acquisition of Street Right-of-way for the construction of street paving, sidewalks and storm sewer. The partial property at 11910 Kent being acquired is owned by Sandra Ball.

The subject tract contains approximately 344 square feet and will not affect any improvements on the remaining property. Due to the small size of the taking, the value of the tract is minimal. The property owner has agreed to sell the right-of-way to the City for \$1,000.

The budget of \$1,500 includes \$1,000 for the acquisition and \$500 for closing costs. There have been no expenditures to date. This is the first acquisition for the project, leaving two properties to be acquired through negotiations or eminent domain.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF PROPERTY FOR CONSTRUCTION OF A BRIDGE OVER THE CALFSKIN CREEK ON 119TH STREET WEST. (District V)

Agenda Report No. 99-883.

On June 2, 1998, the City Council approved the construction of a bridge over the Calfskin Creek at 199th Street West. This project requires the acquisition of a tract of land on the east side of 119th south of the Calfskin to allow enough area for the bridge to be widened. The required tract contains 22,848.18 square feet and is owned by Richard and Carol Chance.

The acquisition tract is unplatted, rural ground. A review of comparable land values in the area indicated a value of \$4,000. This amount was offered to the owners and accepted.

A budget of \$4,500 is requested. This includes \$4,000 for the acquisition, and \$500 for acquisition and closing costs, title insurance, etc. The funding source for this acquisition is general obligation bonds.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF RIGHT-OF-WAY BY EMINENT DOMAIN FOR THE MAPLE STREET IMPROVEMENT PROJECT, MAIZE ROAD TO 119TH STREET WEST. (District V)

Agenda Report No. 99-882.

The Maple Street Improvement Project from Maize Road to 119th Street West, approved by Council on May 4, 1999, requires the partial acquisition of three tracts along Maple Street. One owner accepted the City's offer to purchase the right of way and the other two tracts were approved for acquisition by eminent domain on June 8, 1999, by the City Council. Negotiations with these owners will continue during the eminent domain process.

Review of final plans has indicated the need for rights-of-entry for the condemnation tracts to allow project construction. Upon approval by Council an amended petition will be filed to amend the eminent domain action in

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process to include the additional taking. Negotiations with the affected owners will continue during the eminent domain process. Any properties that are acquired during the process can be dropped from the ordinance.

The cost of this acquisition is to be paid by the City at large.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An ordinance providing for the acquisition by eminent domain of certain private property, easements, and right-of-way therein, for the purpose of acquiring right-of-entry easements for the construction and widening of Maple Street from Maize Road to 119th Street in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands, easements, and access control, therein taken and providing for payment of the cost thereof, introduced and under the rules laid over.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ AUGUST 24, 1999)

- a. Z-3227 - North of 10th Street on the east side of Richmond. (District VI)

ORDINANCE NO. 44-323

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. Z-3227

- b. Z-3228 - North of Douglas, west of West Street, 131 North West Street. (District IV)

ORDINANCE NO. 44-324

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. Z-3228

PLANNING AGENDA

A 99-22

A 99-22 - ADOPTION OF A RESOLUTION ESTABLISHING A FUTURE PUBLIC HEARING ON THE ANNEXATION OF ELIGIBLE PROPERTIES, DESCRIBED AS VARIOUS UNINCORPORATED ISLANDS WITHIN OR ABUTTING THE WEST NORTH PARTS OF WICHITA, TO THE CITY OF WICHITA, KANSAS. (Districts V and VI)

Agenda Report No. 99-884.

A scheduling conflict prevents the public hearing from occurring on September 14, 1999. Therefore, a resolution for consideration by the City Council to establish a new public hearing date of November 2, 1999, for consideration of the unilateral annexation. The properties proposed for annexation are generally located in the west part of Wichita, from near I-135 and Meridian Avenue to the vicinity of Pawnee and Maize Road.

The subject area of this annexation consists of approximately 206 acres that includes a total of 64 properties (22 platted and 42 unplatted) developed into 50 residential tracts, eight (8) commercial tracts, four (4) farm-related tracts, one (1) exempt tract, and one (1) vacant tract. The areas to be annexed also include the following roads: 29th Street North, from the current city limits west to a point ½ mile west of Ridge Road; Maize Road, from the current city limits south to a point ½ mile south of 29th Street North; Tyler Road, a small portion approximately ¼ mile south of 29th Street North; and Pawnee, from Maize Road to a point approximately ¼ mile east. The primary land-use pattern is residential with a mix of commercial, agricultural and undeveloped land. The majority of the area is zoned "SF-20" Single-Family Residential and "SF-6" Single-Family Residential, with several areas zoned

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“LI” Limited Industrial and “LC” Limited Commercial. Properties zoned “SF-20” Single-Family Residential will convert to the “SF-6” Single Family Residential district upon annexation. The majority of the land proposed for annexation is located within the areas identified for new growth as shown on the Land Use Guide Map in the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change, with the remaining annexation areas located within that area designated as suburban.

The proposed annexation will allow for more efficient, unambiguous delivery of services to the west part of Wichita by eliminating island and potential island situations. The Water & Sewer Department indicates that most of the properties in the annexation area are currently served by private water wells. However, most properties have immediate access to City water mains. The City has no C.I.P. projects to extend water mains north of 29th Street North along Tyler Road, however there are several projects that will expand the water system in west Wichita. As for sewer, the majority of properties in this proposed annexation area are currently served by private sanitary systems, with a few served by City sewer. City sewer lines are located near most of the properties being annexed, with those north of 29th Street North and east of Tyler Road lying outside of current city service limits.

To proceed with this annexation, the Council must adopt a resolution establishing a hearing date. Once the hearing date is established, a plan for extension of municipal services to the area will be placed on file in the City Clerk’s Office. The Service Extension Plan outlines the City’s intention to provide major municipal services to the area.

The total appraised value of the land and improvements proposed for annexation is \$5,321,150 resulting in an annual City Ad Valorem tax revenue of approximately \$22,896. Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request of the property owners. The cost of municipal services, should they be requested by the property owners, would be distributed among the City at large and the benefiting property owners according to current City policies.

In the absence of an annexation request from a property owner, State law requires the adoption of a resolution by the City Council indicating the City’s intent to annex, a description of the property to be annexed, and a notice of the time and place for a public hearing to consider the matter. Copies of the resolution must be sent (via certified mail) to all owners of the properties proposed for annexation within 10 days of adoption. Also, the resolution must be published once in the official City newspaper not less than one week and not more than two weeks prior to the public hearing date. A report stating the plans for the extension of municipal services to the proposed annexation area must also be placed on file for public inspection in the City Clerk’s Office.

The public hearing will be held on November 2, 1999, at 7:00 p.m., at the Ascension Lutheran Church, 842 North Tyler Road.

Motion --
--carried

Knight moved that the service plan be approved and the Resolution setting the hearing date be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-338

A Resolution establishing a future public hearing on the annexation of eligible properties generally located in the west part of Wichita, from near I-135 and Meridian Avenue to the vicinity of Pawnee and Maize Road, to the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. A-99-22

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OFF AGENDA ITEMS USD 259 SUPPORT

RESOLUTION IN SUPPORT OF USD 259 REGARDING GUNS IN SCHOOLS

Council Member Lambke Council Member Lambke read the following Resolution into the Record:

RESOLUTION NO. R-99-335

A RESOLUTION OF SUPPORT FOR U.S.D 259 OFFICIALS AND STATING THE CITY COUNCIL'S POSITION ON SAFETY IN OUR SCHOOLS

WHEREAS, the Wichita City Council understands the vital need for a safe environment in Wichita schools; and,

WHEREAS, the Wichita City Council understands creating and maintaining a safe learning environment is not only the responsibility of school officials, but all citizens; and,

WHEREAS, recent comments made on the public airwaves, even if made in sarcasm, threaten to undermine efforts to provide a safe learning environment for Wichita school students; and,

WHEREAS, the Wichita City Council views the comments made by radio personality Kidd Chris regarding guns in our schools as irresponsible;

THEREFORE, BE IT RESOLVED, the Wichita City Council reaffirms its support for U.S.D. 259 officials and their efforts to make and maintain a safe, non-threatening educational environment in Wichita public schools; and

THEREFORE BE IT FURTHER RESOLVED, the Wichita City Council condemns the remarks made by radio personality Kidd Chris and declares its dismay and concern over the lax response to this incident by the management and owners of radio station KDGS 93.9 FM.

ADOPTED this 31st day of August, 1999.

APPOINTMENTS

BOARD/COMMISSION APPOINTMENTS

Motion -- Rogers appointed Carlene Hill, Public Building Commission, and moved that the appointment be approved.
-- carried Motion carried 7 to 0.

Motion -- Cole appointed Colleen Sunquist, Sister Cities; Doratheia Sloan (realtor) Codes Standards and Appeals; and Bob
-- carried McFadden, Electrical Appeals; and moved that the appointment be approved. Motion carried 7 to 0.

Motion -- Knight appointed Bob Holgerson, Housing; Doug Malone, BZA; and Mike Hastings, WER; and moved that the
-- carried appointment be approved. Motion carried 7 to 0.

EXECUTIVE SESSION

Motion -- Knight moved that the City Council recess to workshop session and then move to executive session to consider
consultation with legal counsel on matters privileged in the attorney-client relationship relating to legal advice and
contract negotiations; preliminary discussion relating to the acquisition of real property for public purposes;
-- carried confidential data relating to the financial affairs or trade secrets of a business; and the regular meeting be resumed
at 1:30 p.m. in the City Council Chambers. Motion carried 7 to 0.

RECESS The City Council recessed at 12:02 p.m. and reconvened at 1:43 p.m.

Mayor Knight Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT The City Council meeting adjourned at 1:43 p.m.

Pat Burnett CMC
City Clerk